

Bethlehem Steel Corporation

C. H. BARNETTE
D. S. BAUMAN
D. M. BECKWITH
D. G. CAMERON
C. W. CAMPBELL, JR.
S. A. COPPOLA
C. P. DUGAN
W. H. GRAHAM
M. R. GUY
J. T. HAND, JR.
M. HEMPHILL, JR.
G. P. HOLSENBECK
J. I. IVERSON

BETHLEHEM, PA 18016



LAW DEPARTMENT

J. L. KLUTTZ
E. G. LAVER
J. L. LAZAR
D. A. MACDONALD
J. S. MAHONEY
D. C. MILLS
K. M. MILLS
W. E. MORRISSEY
L. D. PATTERSON
B. W. ROBBINS
S. J. SELDEN
D. L. STEPHENSON
R. J. WESTERMAN

April 7, 1988

Ms. Sherrel D. Henry
U. S. Environmental Protection Agency
Region II
Site Compliance Branch
26 Federal Plaza, Room 747
New York, NY 10278

Elena Kissel, Esq.
U. S. Environmental Protection Agency
Region II
Office of Regional Counsel
26 Federal Plaza, Room 437
New York, NY 10278

Re: U.S. EPA Information Request
York Oil Superfund Site - Moira, NY

Dear Ms. Henry and Ms. Kissel:

This is in response to the above-cited Request for Information of March 18, 1988 from Mr. Stephen D. Luftig, Director, Emergency and Remedial Response Division, addressed to Mr. Walter F. Williams, Chairman and Chief Executive Officer, Bethlehem Steel Corporation under authority cited at 42 USC § 6904(e)(1) and 42 USC § 6927.

Inasmuch as Bethlehem has recently become a third party defendant in the case of U.S. v. K. Pierce et al., Civil Action No. 83-CV-1623 (N.D.N.Y.), I have been asked to respond to your Information Request. Upon review of the scope of that request and its attachment, Bethlehem views as unrealistic the 15 day response time limit which was apparently arbitrarily imposed. Nonetheless, in an effort to cooperate, Bethlehem has searched, and continues to search, its business records, but has not yet found any indication that it shipped, or made arrangements to ship, hazardous substances to the York Oil Superfund site in Moira, New York. Should we discover any information to the contrary during our continuing search we will notify you. Similarly we would request that if EPA possesses any documents reflecting that Bethlehem did, indeed, ship hazardous materials

548385



to York Oil site, that you either send us or afford us the opportunity to examine, copies of any such materials which would substantiate EPA's allegation that Bethlehem is a potentially responsible party.

We have been somewhat surprised by the fact that Bethlehem was served a complaint on March 24, 1988 as a third-party defendant in the U.S. v. Pierce, et al. suit. Even though we desire, and expect, to cooperate fully with the U.S. EPA, in response to this request, because this matter is now within jurisdiction of the U.S. District Court, it must be recognized that Bethlehem may perhaps in the future find it necessary to protect its interests by reserving whatever rights it may have under the procedural rules of the Court.

Very truly yours,


Steven A. Coppola
Senior Attorney

CLAW.SAC11.A286

cc: S. D. Luftig